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International Court of Justice

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ERRATUM SHEET

Feb. 16, 1946 done mah

The following correction should be made in the transcript - English - 8 Feb - afternoon. Pages 4178 and 4179 should appear as the last two pages of the session and should be numbered as 4188 and 4189. Please renumber pages from 4180.

KORREKTUREN

Die folgenden Korrekturen sind in dem englishen Transkript vom 8. Februar Nachmittag zu machen: Seite 4178 und 4179 sollten auf den letzten zwei Seiten der Sitzung erscheinen und sollten die Nummern 4188 und 4189 tragen. Bitte setzen Sie die neuen Nummern ein von Seite 4180 ab.

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 11 February, 1946, 1000-1245, Lord Justice Lawrence, presiding.

COL. POKROVSKY: The Tribunal has at its disposal diaries by defendant Frank.

In the volume marked "Diary 1943, V, on pages 1070 - 1072 we find an important entry; in the Russian translation it is to be found on p. 5 of the additions to the "Excerpts from Frank's Diaries," and is marked in pencil and on page 321 of the Document Book.

"Cracow 23 October 1943.

"The Governor-General delivered an address at the Administrative Academy on the principle of leadership in government. From the point of view of State law and of the law of nations, the Government-General, as an appendage to Greater Germany, constitutes a part of the territory over which the power of Greater Germany in Europe extends. The Sovereignty over this territory belongs to the Fuehrer of Greater Germany and on his behalf it is exercised by the Governor-General who, as the deputy of the Fuehrer, possesses all his powers."

I would like to call the attention of Your Honors to two more documents of a strictly official nature.

In the Reichsgesetzblatt for 1939, page 2077, in your Book of Document it is page 333, USSR 296, is published the "Fuehrer's and Reich Chancellor's decree on the administration of the occupied Polish territory", dated October 12, 1939.

I shall read paragraph 2 of this decree:

"Paragraph 2

"1. I appoint Reich Minister Dr. Frank as Governor-General of the occupied Polish territories.

"2. I appoint Reich Minister Dr. Seyss-Inquart as deputy Governor-General."

In the same Reichsgesetzblatt but for 1940, Part I, page 399, there

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is published a "Decree regarding the power to grant pardons in the occupied Polish territories". It is registered on page 336 in the Document Book. It reads:

"In the occupied Polish Territories I delegate to the Governor-General of Occupied Polish Territories the power to confirm death sentences as well as pardons or to reject applications for pardons, with the right to further delegate his powers."

In Poland occupied by the Hitlerites the power over life and death, the perogative of a sovereign was given to the defendant Frank.

It is not superfluous to call to mind that it was the very same Hitler who had said that he would show, by the concrete example of the relationship between the Polish and the German peoples, that a form of intercourse had been found "which would serve usefully both the cause of peace and the well-fare of both nations."

I have shown above the kind of "example" which was intended and what the "well-being" was which was referred to.

The 6th of April 1941 was marked by a new crime planned and carefully prepared beforehand on the part of the Fascist conspirators.

Without any warning or declaration of war, they attacked Yugoslavia.

The attack on Yugoslavia was a flagrant breach of Article 3 of the Hague Convention of 18 October 1907 and of the Kellogg-Briand Pact of 27 August 1928.

The Delegations of Great Britain and of the U.S.A. have already submitted to the Tribunal a considerable number of documents referring to the subject of the treacherous attack on Yugoslavia. I have only to submit a few new proofs and to establish a correlation between these new documents and those already presented to the court.

The Official German documents enable us to reconstitute events with exceptional vividness. Here German pedantry turns against the authors of the criminal plan.

On 27 March 1941, Adolf Hitler held a special conference regarding the situation in Yugoslavia. On the same day he signed a top secret directive 025, "for higher commanders only." Both documents, filed under No. 1746-PS, are amongst the evidence already accepted by the Tribunal.

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The Chief Prosecutor for the USSR, has already quoted in full paragraph 2 of Directive 025. The first paragraph of this document was also read on 7 December 1945. I wish to add a few more lines.

I quote from paragraph 3. This quotation is on page 337 of the Document Book. It states as follows:

" a) as soon as the concentration of sufficient forces is concluded and meteorological conditions permit, all Yugoslav surface installations and Belgrade must be annihilated by continuous day and night air attacks."

" b) If possible, simultaneously, but under no circumstances prior to the operation "Marita" must be started, with the limited objective at first, to seize the harbor of Salonica and the Dios mountains."

I believe that three points should be stressed here:

1) The desire to carry out the total destruction of the capital of a state.

2) The correlation between the aggression against Yugoslavia and the aggression against another country - Greece; the aggression against Greece being known under the code-name, operation "Marita".

3) The necessity to complete the concentration of German forces as well as meteorological conditions were the factors that determined the time-limits for the attack.

As in all previous cases of criminal Fascist aggression, the same features recur in this case too; namely the criminal intentions of a predatory invader, treachery, and cold calculation.

Preparations for the criminal act that was just one item in a long list, were made a long time in advance and followed the usual Hitler routine, which has already been disclosed by the prosecutors: fifth column activities, clever manipulation with slogans playing up the defense of the German minority, deceitful practice of declaring his love for peace, combined with unceasing preparations for invasion.

On 27 March 1941, on the very day when Directive No. 025 was signed by Hitler, the latter conducted personally, in Berlin, a conference on the situation in Yugoslavia. The minutes of this conference were presented

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by the American Prosecution on 4 December 1945 as document 1746-PS.

Other documents relating to this conference also have been registered under the same number. At this conference, the objectives were determined with absolute precision and a plan of action was presented. You will find the quote referred to page 349.

Hitler declared:

"Not to take into consideration any possible declarations of its loyalty by the new Government, but to carry out all preparations for destruction of Yugoslav armed forces and of Yugoslavia itself as a national unit. It is especially important from the political point of view that the blow against Yugoslavia should be carried out with utmost violence and that its military destruction should be effected with lightning speed."

And a little further:

"No diplomatic inquiries will be made and no ultimatum presented.... The attack will start as soon as necessary supplies and formations (means and troops) are ready."

Thus Hitler was not at all interested in the actual attitude of one or another Yugoslav Government towards Germany, but in the practical destruction of Yugoslavia as a state, and he strove to make this destruction cruel and quick as lightning.

The operational staff of the OKW meticulously followed Hitler's directive, regarding the cruel and lightning-like destruction of Yugoslavia and speedily worked out a detailed plan for coordinated operations of German and Italian armies. It was issued as an official operational order dated 28 March 1941. I believe it necessary to read once again three lines of this document which has already been submitted to the Tribunal, under the same No. 1746-PS. You will find it on page 352 of the Document Book.

I quote paragraph I of this document:

"The task of the Germans will consist in attacking Yugoslavia with the greatest possible concentration of forces smashing its army and destroying it as a state."

I cannot but remind the Tribunal of the terminology used by Hitler and the other Fascist conspirators. Said he:

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"There can be no question of sparing Poland."

He demanded that:

"Yugoslavia be virtually eliminated as a state ruthlessly and with lightning speed."

Mercilessness, ruthlessness, extermination of peoples and states, such was the style and the import of the actions of the Fascist conspirators.

The aggression against Czechoslovakia, the attack on Poland, the desire to destroy Yugoslavia, all these were links in the same chain. But the chain does not end with these links.

If it please the Tribunal, the task of the next representative of the USSR Prosecution will be to show that the basic aim of these criminals, the main link which was in the center of all of Hitler's thoughts was the attack on the USSR.

The documents exposing the crimes against Yugoslavia will prove that, in attacking that country, the fascist conspirators were strictly following their customary methods. Even in detail they repeated their earlier crimes perpetrated against Poland, Austria and Czechoslovakia. Even in case we did not know who actually organized the attack on Yugoslavia, the very character of the facts, the sequence of events, the manner in which the crimes were committed, would unmistakably point to the culprits.

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I turn to document USSR-36, under which number I offer in evidence the Official Report of the Yugoslav Government.

The first section, entitled "The planned preparation of the conspiracy for the enslavement and the destruction of Yugoslavia", contains a collection of valuable information. I will quote paragraph 1 on page 3 of the Russian text (the 3rd paragraph from the top), the following quotation:

"The Government of the Third Reich and the Hitlerite party secretly organized the German minority. The Germans who had been settled in Yugoslavia by the Austrian emperors over a century ago, enjoyed full rights, as brothers, and a cultural autonomy. They had their own schools, as well as representatives in parliaments and in the local Government. They numbered 1½ million (i.e. represented about 3% of the population).

"From 1920 onwards they had their mass organization - the Swabian-German cultural union (called the "cultural Union" for short). Out of this very organization and through it, as well as out of all the Germans in Yugoslavia, the Fascist party created a political and military organ for the destruction of the country."

I shall skip several lines and quote further:

"In Yugoslavia, Fascist 'Gaue' were secretly formed and 'Gauleiters' had been appointed. Under the guise of various physical training and sport associations, were organized Hitlerite units half a million strong. Numerous 'toursists', 'commercial travellers' and 'relatives' came from the Reich--in reality Fascist instructors and organizers."

I skip a number of details which can be disregarded, and pass to the second paragraph of the same section on page 4, that is page 336 in the Document Book, where the manner is described in which the Fifth Column was further strengthened. I now will read into the record beginning with the second sub-paragraph of paragraph 2:

"...The Hitlerites drew into their orbit all the separatist and chauvinistic elements, as, for instance, Pavelich's "Ustashi", the "Sbor", a movement headed by Lyotich, the VMRO (the Macedonian Fascist movement), hea ded by Vancha Mikhailovich, and terrorist organizations

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with headquarters in Berlin. On the other hand, acting through their agents, Prince Paul, Stoyadinovitch, Cvetcovich and Cincar-Marcovich, they attracted the pan-Serbian centralists and turned them into a terrorist group which, from the vantage points of governmental authority, was 'peacefully' to deliver Yugoslavia into slavery by adhering to the Tripartite pact."

Further, the report emphasizes the fact that, while organizing numerous branches of the Fifth Column, the Hitlerites continually gave new perfidious assurances about their ostensibly friendly intentions with regard to Yugoslavia. This is discussed in paragraph 3 on page 5 of the Russian text; in your Document Book it is on page 357:

"3. While both the Hitlerite government and the party were so thoroughly and with such versatility carrying out their conspiracy, Hitler used every opportunity to declare to the whole world, on behalf of the government, the party, and the whole of Germany, that Yugoslavia could count on them as devoted friends."

On 17 January 1935, i.e. some weeks before the occupation of Austria, Hitler had a conference with the then Prime Minister of Yugoslavia. The defendants Goering and von Neurath were present at that conference. The original document from which I will quote certain excerpts was submitted to the Tribunal as TC-92. The extract which I will quote you will find on page 411 of the Document Book.

THE PRESIDENT: Colonel Pokrovsky, for the sake of accuracy, I think you read, and it certainly came through to us as, "On 17 January 1935, that is, some weeks before the occupation of Austria, Hitler had a conference with the then Prime Minister of Yugoslavia."

Whould that not be 1938? Possibly you may have said 1938 but it came through to us as 1935.

COLONEL POKROVSKY: I beg your pardon, it is evidently a mistake in the translation because on my text it is 1938.

On 4 December 1945, a printed collection of German documents concerning the conflict with Yugoslavia and Greece was offered in evidence. In the listing of documents it is referred to as TC-92.

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On page 68, and you will find it on page 411 in your Document Book as document No. 28 of that collection, we have a transcript of the conversations which took place during the conference of 17 January 1938. There is no need to read into the record the entire document. I will limit myself to the following three utterances made by Hitler on that occasion:

"As regards Yugoslavia, Germany is interested in the existence of a strong Yugoslavia."

And somewhat later in the course of the same conversation:

"Whatever may happen there, Yugoslavia's present boundary will remain as inviolable as the Brenner Pass is today."

Still further Hitler professed to know:

"that the German population of Yugoslavia was loyal to the Yugoslav Government."

On 30th January 1939 - some weeks before the occupation of the Czechoslovak Republic, Hitler made the following declaration about Yugoslavia in his speech before the Reichstag: (This quotation is to be found on page 412 in your Document Book)

"A state which since the Great War has more and more attracted the attention of our people is Yugoslavia.

"The deep respect which the German soldier once felt for that courageous people has since become ever stronger and developed into sincere friendship".

The Fascist conspirators considered it useful to include this speech as document No. 32 on page 71 of the collection from which I just have quoted, TC-92.

On the 1st of June 1939, i.e., before the fascist attack on Poland, Prince Paul of Yugoslavia, whom the official report of the Yugoslav Government calls a Hitlerite agent, paid a visit to Hitler. On this occasion, Hitler stated in Berlin: (You will find this on page 413 in your Document Book).

"Germany's friendship with the Yugoslav nation is not spontaneous. It was deepened and strengthened in the tragic confusion of the World War."

Then after having made a few more statements, which are of no interest to the Tribunal, he continued:

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"I am all the more confident that now when, as a result of the historic events, we have become neighbors with common frontiers established forever, the friendly relations between Germany and Yugoslavia, trustful and steadfast, will not only secure lasting peace between both our peoples, but, moreover, will serve as a pacifying element for our nervous continent."

I quoted from this book No. TC 92, GB 114.

In his next regular speech after the defeat of Poland, before the Reichstag, on 6 October Hitler again assured Yugoslavia of his love of peace and of his friendly attitude in following words:

"After the annexation had taken place, I assured Yugoslavia in the same manner that the frontier with this country shall be regarded as inviolable by Germany from this moment on, and that we want to live in peace and friendship with her."

I am now going to read a few paragraphs from the 2nd article of the first section of the report of the Yugoslav State Commission for the investigation of the crimes perpetrated by the aggressors.

The excerpts that I shall read begin with paragraph 3 on page 6 of the Russian text and are marked for your convenience with a red line:

"Thus Hitler regularly gave assurances about friendly relations with Yugoslavia and about the inviolability of her boundaries, while at the same time his band of conspirators and enslavers were already tightening the ring of war around Yugoslavia. When Yugoslavia was completely surrounded by Hitler's armored divisions, and when the government of the Centralis 5th Column of Prince Paul, Cvetcovich and Machek was ready to joint the Tripartite Pact on the 25th March 1941, i.e. 10 days before the attack on Yugoslavia, the defendant Ribbentrop stated as follows:"--

(On page 413 of your Document Book you will find Document PS 2450).

"Germany herself - and I solemnly state this - has neither territorial nor political interests in that region...."

I shall hand to the Tribunal a certified extract from document No. 72 of the above mentioned German book.

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An official note from the Reich Government of the same date runs as follows: (You will find this on page 414 of the Document Book).

"Mr. Prime Minister! On behalf and on the direction of the German Government, I have the honour to report to your Excellency as follows:

"In connection with today's adherence of Yugoslavia to the Tripartite Pact, the German Government affirms its resolution to respect at all times the sovereignty and territorial integrity of Yugoslavia....

"Signed Joachim von Ribbentrop". (See document 2450-PS).

The culminating point in the execution of the breach of faith cunningly prepared by fascists is the following statement made by Hitler on April 6, 1941, that is, at the moment when the perfidious and trecherous attack on Yugoslavia had already begun. It is under Document TC-92 in the book of documents on pages 414.

"The German people feel no hatred toward the Serbian people. Above all, the German people see no reason to start a war against Croates and Slovens; they want nothing from them."

I submit to the Tribunal certified excerpts from the documents of the German book already quoted on pages 1 and 4.

At the same time he was speaking in this manner, the occupation, annexation, and dismemberment of the Yugoslav state was taking place; and before long there began the bombing of undefended cities and other settlements, forcible evictions, deportations to camps, punitive expeditions, and hundreds of other acts that were a part of the planned extermination of the peoples of Yugoslavia, which brought about the death of 1,650,000 Yugoslav men, women, and children!

On the question of the preparation for the attack on Yugoslavia and the personalities who directly supervised and executed this crime, we present two very valuable testimonies by witnesses.

The first is the testimony of the German General, Leer. Before and at the time of the aggression against Yugoslavia, he was in command of the 4th Air Army. It was his air groups which carried out the air raids on Belgrad He is undoubtedly a man well acquanted with the course of operations and its leaders.

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On May 24, 1945, General Leer was taken prisoner by the Yugoslav forces. During interrogations to which he was subjected between May 24 and June 6, 1945, he stated -- you will find the respective passge on page 415, and it is our number 253. His statement:

"I and my staff went on March 26 to Sofia as the campaign against Greece was about to begin.

"On the following day, March 27, 1941, the coup d' etat took place in Yugoslavia. I was called unexpectedly to Ber lin, where I received orders from Reichsmarshal Goering to prepare for air operations against Yugoslavia.

"After this, preparations against Yugoslavia were begun. At my first meeting with Goering I was not told of the date of the war against Yugoslavia, but was to begin soon afterwards at Vienna, I received a written order in which the commencement of the operations was fixed for April 6."

Without reading the rest of the record, I am submitting to the Tribunal a certified copy thereof, which is our number USSR-253, and I am going to read excerpts from the record of the interrogation of the former Field Marshal of the German Army, Friedrich Paulus. Friedrich Paulus was interrogated on January 12, 1946, by the chief prosecutor for the USSR. I am now going to read part of his testimony. My colleagues in the Soviet Delegation will probably return to this document in connection with further issues. I shall only quote what refers to the preparations for the attack on Yugoslavia:

"It was clear to both German and Hungarian officers that these military preparations must have been based on the preparation of military collaboration between Germany and Hungary."

THE PRESIDENT: Colonel Porkovsky, the Tribunal understands that the first interrogatory to which you refer, General Leer's, which is contained in USSR-253, is an official document.

COLONEL POKROVSKY: Yes.

THE PRESIDENT: The official document of your government. The other interrogatory to which you refer, of Field Marshal Paulus, is not an official document, is it?

COLONEL POKROVSKY: The record of the interrogation is written up in compliance with all regulations approved for such interrogation. He is told to tell the truth, in accordance with paragraph ninety-two and ninety-five

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of our Penal Code, and it represents an official document which has full probative value for the court. Could you tell us where the interrogatory was made?

COLONEL POKROVSKY: He was interrogated, Friedrich Paulus, directly in Moscow on January 12, 1946. This should be pointed out at the beginning of the document.

THE PRESIDENT: The date is on the document, but not the place. Go on, Colonel.

COLONEL POKROVSKY: If the Court permits, I will continue my quotation of the interrogation, the record of Field Marshal Paulus.

It was clear to the Hungarians that Germany's assistance was in order to prepare the Hungarian Army intentionally and in advance for future combined military operations, thus incorporating an ally inits ranks. With the attack on Yugoslavia which followed this there was no need for special explanations as to the object of these military preparations.

"It was clear that armed forces were neing made ready for war with the USSR, as the attack on Yugoslavia was part of the operational plan for the att ck on the USSR.

"With the defeat of Yugoslavia, the right flank, which was to be formed at the commencement of military operations against Russia, was secured."

I will leave out oje paragraph which deals with another subject, and continue to quote:

"The preparation of the combined German-Hungarian attack on Yugoslavia was entrusted to me. On March 27 or 28, 1941, I was called before Hitler at the Reich Chancellory where, besides Hitler, were present Keitel, Jodl, Halder, and Bruachitsch. Halder met me with the following words:

'The Fuehrer has decided to attack Yugoslavia in order to eliminate the threat to the flank during the offensive against Greece and to seize the main Belgrade-Nish railway line which runs in a southerly direction; but the main objective of the attack on Yugoslavia is to have our right flank secure when later on the "Barbarossa" plan will be carried out.'

' Your task is to go to Vienna immediately in my special train, and to transmit the orders and explain the situation to Field Marshal List (12th

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Army Group), General von Kleist (armoured group), and Colonel von Witzleben (chief of staff of the 2nd Army), who have been called there.'

'From Vienna, you are to proceed to Budapest and there to co-ordinate with the Hungarian General Staff the strategic deployment of the German forces on Hungarian territory and the participation of the Hungarian forces in the invasion of Yugoslavia.'."

The participation of Hitlerite generals of the highest rank in the treacherous attack on Yugoslavia can in no way come within the scope of the execution of purely military tasks.

I will read into the records a further document, number 1195-PS. You will find it in your document book on page 423.

On January 9, 1946, four lines were read from the second section of this document. The time has now come to read it in full.

"Supreme Command of the Armed Forces Operational Staff/Section L (IV/Qu)
No. 00630/41 Top Secret, Commanders only.
Fuehrer's Hqs, 12.4.1941

Reference: OKW/L (IV/Qu) Nr. 4434/41 Top Secret Commanders only,
of 3 April 1941.

Provisional Directives for the Partition of Yugoslavia.

"The Fuehrer has issued the following directives for the partition of Yugoslavia:

1) Former territory of Styria and Carinthia.

The territory of the former Styria, enlarged towards the South by a strip of about 90 Kilometers breadth and 10 to 15 kilometers depth, will go to Gau Styria.

The Northern part of Carinthia, with a border line which runs south only as far as the river Sava but north of Ljubljana, according to the attached OKH map, belongs to Carinthia.

The territory occupied by the High Command of the Army will be handed over by it to the Gauleiters concerned and by the district administration, as far as the pacification of the country permits.

The handing over of the territory occupied by the Italians will be prepared by letter from the Fuehrer to the Duce, and carried out under direct orders from the Foreign Office. Until that time no measures whatever are to be taken from the German end. (Telegram OKH-General Headquarters,

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Master Department A, Secret, No. 801/41, Secret, is hereby dealt with as well).

2). The territory beyond the river Mur (Uebermur-Gebiet):

The territory beyond the river Mur borders closely upon Hungary conforming with the historic boundary. A later transfer of the German population in the northeastern part of this territory must be taken into consideration. The handing over of this territory to the Hungarians will be regulated by the High Command of the Army.

3.) Banat:

The territory from the point where the River Drava cuts the Hungarian boundary to the entry of the river Tisa into the Danube will be at first under German protection, as will the territory south of the Danube and east ofthe general line -- mouth of the River Morava - Danube - Pozarevac - Petrovac - Boljavac - Knjazavec - Kalina. This territory includes the Bor copper mines and the adjoining coal district in the southeast. The above line is considered as the basis and provisional demarcation line. At first, German Military Government under the High Command of the Army, is to be established, under the order of OKH.

4). Southern Serbia.

The territory inhabited by Bulgarian Macedonians goes to Bulgaria, in conformity with the ethnographical boundary. Preliminary delimitation of the frontier, from the military view point, will be carried out by the High Command of the Army, which will prepare the handing over to Bulgaria.

5.) Old Serbia.

The territory of Old Serbia will be placed under German military administration under the High Command of the Army.

6.) Croatia:

Croatia becomes an independent state within its ethnographical boundaries. There will be no interference on the part of Germany with its internal policy.

7.) Remaining territories including Bosnia and Montenegro:

The political organization of these territories will be left to Italy. Here also the restroation of an independent state of Montenegro can be considered.

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II. The drawing up of boundaries

1) Where the drawing up of boundaries has not been laid down in Part I above it will be carried out through the Supreme Command of the Armed Forces in agreement with the Foreign Office, the plenipotentiary for the Four Year Plan, and the Reich Minister of the Interior.

The Operational Staff of the Armed Forces (L IV Headquarters) is the executive organ for the Supreme Command of the Armed Forces.

2) The High Command of the army will forward as soon as possible to the Supreme Command ofthe Armed Forces its military recommendations relative to the drawing up of boundaries outside the territory of the protectorate south of the Danube where this has not been already laid down by the Fuehrer.

3) The War Production Board of the OKW will forward as soon as possible to the Operational Staff (Section L) its recommendations regarding the boundaries of the territory of the protectorate south of the Danube (part I, para. 3).

4) As far as the Italians are concerned, tactical boundaries between the armies are valid, of course, for consideration."

The document is signed by Keitel.

This document, signed by the defendant Keitel, smashes to pieces the mendacious varsion, according to which the OKW had nothing to do with the political aspects of the Fascist plan or conspiracy.

The German genefals as a body were not merely an obedient tool in Hitler's hands. The OKW, the Ministry of Foreign Affairs, and the Gestapo were interwoven into one entity. This is borne out also by the following document:

General Neditch, ex-Prime Minister of the quisling Yugoslav Government, in his depositions gives some interesting information relating to this question. Before quoting a few excerpts from his deposition, I must say a few words concerning four Germans, whom Neditch mentions by name. He speaks of Kraus, Turner, Kiesel, and Kronholz.

Dr. Kraus was chief of the Gestapo "South East," which had its central office in Belgrade. Dr. Turner was chief of staff of the civil administratior department of the German military command in Serbia. Dr. Kiesel was Dr.

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Turner's deputy. Kronholz did not hold any official post. He had lived in Yugoslavia before the war, and was a director of the German transport business "Schenker Ltd" (Schenker Aktiengesellschaft). He subsequently turned out to be an important German intelligence agent. This information is certified by the Yugoslav Extraordinary Commission for the investigation of German atrocities. With this explanation, I shall now quote a short excerpt from the evidence of the Serbian quisling, general Neditch. The copy of the interrogation is registered by us under No. USSR 288. I will submit to you, for instruction, the original of this protocal. I am not in a position to give you this entirely, because it refers to a case which has not been finished yet, but the quotations from it are at your disposal.

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THE PRESIDENT: Colonel Pokrowvky, the Tribunal understands that you wish to put this document in as evidence and the to withdraw it for the purlose of its being used in some other case; is that right?

COLONEL POKROVSKY: I would like to submit to you as evidence in this case excerpts from these minutes which have been certified by the Yugoslav Commission. These are the original minutes and must be returned to Belgrade, as it represents a document which has to be used in another case which has not yet been finished in Belgrade.

THE PRESIDENT: It that is so, we must ask you to deposit with this Tribunal a photostatic copy of this document, because, of course, all the documents which are put in evidence, or photostatic copies, must be deposited with the General Secretary of this Tribunal. So if you will undertake to have a photostatic copy made of this document and left with the General Secretary I think the Tribunal is agreed that you may do so, that you may use this document.

COLONEL POKROVSKY: Is it sufficient for the Tribunal if in this case the certified photostatic copy would be submitted later in this case as well as excerpts from this document?

THE PRESIDENT: Yes.

COLONEL POKROVSKY: Yes.

"I came to knwo Kronholz during the occupation period, before I became Prime Minister. As far as I can remember, he was brought to me by the Chief of the Gestapo, Dr. Kraus. Then Kronholz insisted that I should accept the proposed post. Turner received me in the presence of Dr. Kiesel and said that he authorized me, through General Dankelmann, the German Military commander in Serbia, to form an authoritarian government". I skip a few sentences.

"Almost simultaneously with the creation of my government the Germans established contact with a group of Tchetniks under the command of Petchanatz, who had until then been hiding in the forests. The contact was also established through the Chief of the Gestapo, Dr. Draus. Shortly after this, Petchanatz arrived in Belgrade, called to see me, and offered his services. That is how my government came to form its first armed units."

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A little further, Neditch continued:

"As soon as the formation of my government had been proclaimed in the beginning of September 1941, a delegation called on me with authority from Draje Mikhailovitch, to start negotiations."

Neditch enumerates the terms, which are of no interest to us, and then said:

"I, for my part, accepted all these terms and offers. Draje received money and the Germans permitted it." This is the end of the quotation.

Still another part of this record seems of importance to me; it concerns Neditch's visit to Hitler and Ribbentrop. Neditch stated:

"I noticed that at the meeting with Ribbentrop a demand was made that I should place all the spiritual and material resources of Serbia at the disposa l of the German Reich for the prosecution of the war."

Speaking of his meeting with Hitler, Neditch stated:

"He shouted at me, emphasizing that the order concerning one hundred for one was too lenient; that it should have been increased to one thousand for one. He added also that he was prepared to exterminate the entire population if the Serbians continued to act like rebels."

The head of Fascist Germany wanted to handle the Slav countries as if they were his own personal property. In this he received the wholehearted assistance of generals, diplomats, industrialists, and intelligence officers. All aggressive action was prepared and carried out with their direct participation.

I repeat: the German generals as a body were not merely an obedient tool in Hitler's hands. The defendants Keitel, Jodl, and Goering personally participated in the planning, preparation, and perpetration of crimes against peoples and states.

Document 1195-PS added yet another proof of this fact. The above-named defendants, together with Neurath and Frick, Schirach and Frank, Seyss-Inquart, and Ribbentrop, bear direct responsibility for the gravest crimes, which I denounced before the Tribunal.

"National-Socialism cannot be separated from the idea of war". This is acknowledged by the Hitlerites themselves. In other words, Hitlerism and aggressive war are one and the same thing.

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And if it is not always the military leaders alone who plan wars, it is always they who conduct them.

The full weight of responsibility for aggression, for aggressive war, for the death of millions of people, for atrocities, for the destruction of cultural treasures and material wealth, must be borne by all the major war criminals who are sitting in the dock.

THE PRESIDENT: We will adjourn now.

(A recess was taken)

DR. NELTE (Counsel for defendant Keitel): I would like to ask the Tribunal, in a general question of proof, to make a decision. The Soviet Delegation has presented books which contain explanations and statements by generals and statesmen. We doubt that these statements by the Soviet authorities have been accompanied by an official remark or an official authorization.

The documents which have been given to me today -- USSR 149, 150, and 249 -- all three of them are only photostats of handwritten letters. They contain neither remarks where you could qualify them as affidavits, nor are they testimony before a Soviet official or officer, now are they official or government declarations or statements.

I would be grateful to the Tribunal if it would consider this question according to point 21 of the Statute, because the opinion of the defense is that such statements could only have the value of a personal representation by the prosecution but no probative value.

THE PRESIDENT: May I see the documents?

(The documents were submitted to the Tribunal)

The Tribunal have no objection to the course taken by Dr. Nelte in drawint their attention to these documents at this stage. However, they think it will be better for them to wait until the documents are actually offered in evidence before they consider whether or not they will admit them. If and when the documents are offered in evidence, they will then consider whether they will admit them or not.

COLONEL POKROVSKY: With the permission of the Tribunal, I wish to present General Zorya, who will make the presentation of materials concerning the question of aggression against the Soviet Union.

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DR. LATERNSER: (counsel for the General Staff): I would like to point out that it was the opinion of the Tribunal that every defendant's counsel should receive, in sufficient time beforehand, a copy of all documents which are submitted during the proceeding, and that this has not been done. It is, therefore, difficult for the defense to follow the proceedings because the documents submitted have not been submitted in a sufficient quantity.

THE PRESIDENT: I don't think the Tribunal have ever imposed upon the prosecution the duty of supplying a copy of every document to every member of defendants' counsel.

You no doubt have before you a copy of the Tribunal's order upon the subject, and I believe that the order is posted upon the board in the defendants' information center. If I remember correctly, it is that a certain number of originals or photostatic copies shall be deposited in the information center, and that a certain number of copies of the documents shall be supplied to the defendants' counsel, and that for the rest, the defendants' counsel must rely upon the fact that every document or part of a document which is put in evidence is read in open court and therefore comes through the earphones to defendant's counsel and will appear in the shorthand notes. We have provided that copies of the shorthand notes shall be suppled to defendants' counsel as soon as possible after the day on which the evidence is given. Beyond that we have not thought it right to impose a duty upon the prosecution to supply documents to the defendants' counsel.

Is that not in accordance with your recollection?

DR. LATERNSER: Mr. Chairman, the American prosecution, the British prosecution, and also the French prosecution, in the course of the proceedings, have seen to it that of all documents so many copies have been given to the defendants' counsel that each defendant's counsel could have one copy before him. I believe, in order to facilitate the work, that this could also have been done by the Soviet prosecution.

THE PRESIDENT: That is a belief on your part which is not strictly in accordance with the Tribunal's orders. The Tribunal has not made that order, and it may be that the United States and Great Britain have gone beyond the Tribunal's orders and have supplied a copy to each defendants' counsel.

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However, as I say, the Tribunal has not as yet seen fit to impose that duty upon the prosecution.

I suppose you don't really know exactly how many copies of these Soviet documents have been deposited in the information center?

DR. LATERNSER: I don't know the exact number, At any rate, there were not so many that each defendant's counsel could have one copy of each document, which has been done by the other prosecutions.

THE PRESIDENT: Well, you no doubt understand the very great difficulties of making translations and making copies. I am sure that the Soviet prosecutors will do everything in their power to assist defendants' counsel, but, as I say, we have not imposed upon the prosecution the duty of supplying one copy of a translation into German, of each document, for each defendants' counsel. I can only express the hope that the Soviet prosecutors will do the best they can.

DR. LATERNSER: I remember that on the occasion when the press got 250 copies of the documents, you, Mr. President, said that it should be possible to distribute 25 copies to the defendants' counsel. That was, at that time, the opinion of the Tribunal.

THE PRESIDENT: Teh Tribunal's orders on this subject are in writing, and you will find them in the defendants' information center. I have stated my recollection of them; if I am wrong, you can bring me a copy of the document and I will withdraw my statement.

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GENERAL ZORYA: May it please your Honors, it is my task to present the documentary evidence dealing with the aggression against the Union of Soviet Socialist Republics, organized by the Fascist war criminals now sitting in the prisoners' dock.

This charge of the crime, mentioned in sub-paragraph "a", Article V I of the Charter of the International Military Tribunal, was formulated by paragraph 6, Section 4, Count I, of the Indictment in the present case, and in Section IV of the opening statement by the Chief Prosecutor from the USSR, General Rudenko.

Among the many criminal wars which German Fascism waged against freedom-loving nations, with its predatory aims, the attack on the Union of the Soviet Socialist Republics occupies a place by itself.

It can be safely said that the aggressive war against the Soviet Union was the key question of the whole Fascist conspiracy against it. All Aggressive actions on the part of German Fascism committed prior to the attack on the USSR, and in particular the German aggression against Czechoslovakia, Poland, Yugoslavia, were as has been shown by my colleague, Colonel Pokrovsky, just stages on the road to the attack on the Soviet Union.

The Ukrainian wheat and the coal of the Donbass, manganese of the Kola Peninsula and Caucasian crude oil, fertile steppes of the Volga region, and Byelorussian forests, played a decisive part in the criminal schemes of the Fascist aggressors.

The war against the Union of Soviet Socialist Republics was waged by Fascist Germany also with the intent of enslaving and exploiting the Soviet peoples.

In the war of Fascist Germany against the Soviet Union, the animal hatred of the Hitlerites against the Slav peoples found its full horrifying expression.

And finally, German imperialism, appearing in its Fascist edition, saw in the seizure of the wealth of the Soviet Union and in its immeasurable resources of food and raw materials a base for

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the realization of their far-reaching aggressive aims to achieve, first, hegemony in Europe, and, later on, hegemony in the whole world.

The well-known formula of German imperialism, "Drang nach Osten," which was mentioned in the opening statement of the Chief Prosecutor from the USSR, was at different times interpreted by the Fascist criminals in many different ways, but always in their aggressive plans the attack on the Soviet Union was given a prominent place.

"If new territory is desired," wrote Hitler in his book, "Mein Kampf," in substance it can be secured at the expense of Russia. The new Empire must move along the paths trodden by the knights of old." (Hitler, "Mein Kampf," Munich edition, 1930 - page 742 - which is before the Tribunal.)

The fact that having at last initiated the Fascist aggression in 1939, Hitler began the war in the West, did not substantially change this basic conception of Fascism.

Under number 789-PS the American Prosecution submitted to the Tribunal the transcript of the conference held on 23 November 1939 between Hitler and the members of the German High Command.

At this conference, Hitler, according to his own words, gave a survey of the thoughts which dominated him in connection with the forthcoming events. In the course of this survey he declared (the place where I am reading now you will find on page 33 in the documents already in front of you):

"For a long time I hesitated whether I should not begin with an attack in the East, and only then with the one in the West. It came about by force of events that for the nearest future the East dropped out of the picture." (Page 2 of the Russian text.)

This statement by Hitler bore witness to the fact that the attack on the Soviet Union was not eliminated from the plans of Fascist aggression, and the whole question was reduced only to the problem of selecting the most favorable moment for this attack.

It should be noted that the authors of Fascist aggression did

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not consider the version "West" as the most favorable version for its start.

Again, exactly five months prior to the above-mentioned conference, at the conference of 23 May, 1939 (USA exhibit No. 79), Hitler briefed his accomplices on the present situation and political aims of policy, and said--I am citing now from page 4:

"If fate forces us into a conflict with the West, it would be desirable that we, by that time, possess more expanse in the East."

The vast expanses in the East, as Hitler's conspirators thought, were to play a decisive part during the conflict in the West.

Therefore, when the Fascist hordes were unable to force the Channel, stopped at its shores and had to find new ways of aggression, the conspirators immediately began to prepare for an attack on the Soviet Union, because this was the basic part of all their plans of aggression, without which they could not materialize.

I believe it is unnecessary to refer to documents of an earlier period, and particularly to quote any further from Hitler's book, "Mein Kampf," where questions connected with the predatory attack on the Soviet Union were formulated long before 1939.

This book is already before the Tribunal, and relevant parts of it were cited as evidence by our American and British colleagues.

The Soviet Prosecution desires to submit to the Tribunal a file of documents which bear witness to the fact that the aggression of Fascist Germany against the Union of Soviet Socialist Republics was committed with malice aforethought.

Among these documents there are files from various archives captured by units of the advancing Red Army, statements by Fascist leaders, published in the press, including those by several of the Defendants, and depositions by persons who were in possession of reliable information as to how the preparations for the attack on the Soviet Union were actually carried out.

The documents of the Soviet Prosecution are presented under

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the following sections.

1. Preparations for war in Germany itself.
2. Assuring the security of the preparations for war by intelligence activities.
3. The securing by the Fascist conspirators of the participation of the satellite countries in the aggression against the Soviet Union.

I shall begin with Section 1, which I shall call, "Preparations for war in Germany itself."

The statements of Hitler and his accomplices demonstrate that the idea of a criminal attack on the Union of Soviet Socialist Republics had for a long time been ripe in the minds of the Fascist conspirators.

But apart from this fact, we are also interested in the question as to when this intention began to take on the concrete form of direct military preparations for the predatory war against the Soviet Union.

On the 18th of December, 1940, the directive known to the Tribunal as directive number 21, "Plan Barbarossa" (the document of the American Prosecution numbered 446-PS), received its official formulation.

When the signature of the Command appears on such a document, this is the moment which crowns long and intensive work by all the links in the chain of military administration.

This work may not have been governed by written orders. The secrecy surrounding this work often made it necessary to have recourse to verbal orders. And, on the other hand, many orders of a routine nature, on the strength of an already existing strategic project, acquire a corresponding purpose, although outwardly they seem to have no connection with it.

It therefore appears that, with regard to establishing the actual moment at which military plans for the attack on the Soviet

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Union began--

THE PRESIDENT: General Zorya, the Tribunal observes that you are about to read a deposition of General Warlimont, whom the Tribunal understands is in Nurnberg, and the Tribunal considers that, in accordance with the order that it made the other day in another case, in the case of another deposition, if the Defendant's Counsel desired, you ought to be prepared to allow General Warlimont to be submitted to the Defendant's Counsel for cross-examination.

GENERAL ZORYA: I am now reading an extract, that is, from the questioning of Warlimont which was made by General Alexandrov of the Soviet Prosecution, and if the Defense will desire to call General Warlimont for cross-examination, the Soviet Prosecution will do its best to satisfy this request.

THE PRESIDENT: That is, of course, on the supposition that I am right in saying that General Warlimont is in Nurnberg--available in Nurnberg. Go on.

GENERAL ZORYA: I think it is a proper moment now to mention that, regarding the attack on the Soviet Union, we will use not only the documents, as not everything is always put on paper, but also testimony of persons who participated directly in making these preparations.

At this moment I should like to refer to the deposition of General Warlimont, which the President has just mentioned. This.

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deposition, which was given by Warlimont on the 30th of November, 1945, is presented as evidence under No. 263.

Walter Warlimont, as is well known, was the chief of the Department of National Defense in OKW, and later the deputy chief of the Operational Staff.

I shall read that part of this deposition which touches on the question before us. I ask you to turn to page No. 2 of the Russian text of this document, which is on page 20 in the bunch of documents presented by the Russian Prosecution on the question, and the answers to questions put to Warlimont:

"Personally, I first heard of this plan" -- that is "Plan Barbarossa" -- "on the 29th of July, 1940. On that day Colonel-General Jodl arrived in a special train at Reichenhall station, where Department 'L' of the Operational Staff was stationed. This struck one immediately, because General Jodl had, till then, never, I believe, come to see us. Besides myself, three other officers were ordered to present themselves."

I now skip several paragraphs and go to page 3, page 21 in the documents:

"I cannot repeat word by word his expressions. The text was as follows: Jodl said that the Fuehrer has decided to prepare for war against Russia. The Fuehrer based this on the fact that war had to come in one way or another, so that it would be better to prosecute this war in connection with the one already being fought, and, in any case, to start the necessary preparations for it."

I again skip several lines which are not relevant to the question we are dealing with:

At a later date I talked with Hitler. He had intended to commence the war against the Russian Union already in the Autumn of 1940, but he gave up this idea. The cause of this was that the strategic position of the troops at that time was not favorable for this purpose. The supplies to Poland were not good enough; railways and bridges were not prepared; the communication lines and airdromes were not organized. Therefore, an order was given to secure the whole transport and preparations to prepare for such an attack which will eventually be made.

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To the question as to whether this order was an order of the 9th of August 1941, called "Aufbau Ost", Warlimont replied:

"Yes, this order was prepared by the staff in accordance with instructions of General Jodl. In General Jodl's opinion, the concentration could take place only after all the preparations indicated in this order had been made."

Further on in his statement, Warlimont said that Plan Barbarossa, which was called "Fritz" to start with, was presented to Hitler on the 5th of December 1940, after which it was edited and saw the light of day on the 18th of December.

I think that the testimony of a man like Friedrich Paulus, a former field marshal of the German army, who took the most direct part both in the preparations and in the execution of Plan Barbarossa, can give considerable help in the investigation of questions connected with the history of the preparation of this plan.

I present the testimony of Friedrich Paulus, dated 9 January 1946, given in a camp for prisoners of war, and marked USSR 156, and request that it be accepted as evidence.

DR. NELTE (Counsel for defendant Keitel): I just wanted to remark that I do not possess a copy of this document. It seems as if it would be the same statement which could not yet be given to the defendant's counsel. If the Soviet prosecution could give me this copy of the statement now, I would be able to see if I wanted to protest in the way in which I did in the beginning of this session.

(Whereupon copies of the document above referred to were handed to Dr. Nelte.)

DR. NELTE: According to the original which I now see before me, this is the same kind of a statement by Field Marshal Paulus. Paulus, in a letter to the Government of the Soviet Union, has expressed his opinion. The Soviet delegation has reproduced that letter and presented it in the original. This photostat does not contain an official authorization by the Soviet authorities, nor is it an affidavit which could be admitted as proof.

Therefore, I ask the Tribunal to consider generally the question which I mentioned at the beginning of this session, and to make a decision in order

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that the Soviet prosecution im the future may treat similar statements according to the wishes of the Tribunal.

THE PRESIDENT: Do you wish to make any answer to what Dr. Nelte has said?

GENERAL ZORYA: Yes, I do.

If it please the Tribunal, the Soviet prosecution has accepted the decision that the originals of all the documents of the Soviet Union or certified copies will be presented. Apart from this, as to evidence of some importance and interest which has been given us by some of the witnesses, and which will be brought out by us, if the defense desires to cross examine the witnesses subsequently everything possible will be done to bring them to Nurnberg and enable them to give verbal depositions. The same thing applies to Paulus, to whose statement I shall refer. That testimony can be checked, as the representative of the defense just asked, after Paulus has been brought here.

THE PRESIDENT: Then I understood from what you said, General, that as far as the photostatic copy of Field Marshal Paulus' statement is concerned, a certificate will be furnished -- as we indicated the Tribunal wished -- that the photostatic copy is a true copy of the original, and as far as the question of producing witnesses of importance is concerned, Field Marshal Paulus will be produced as a witness for the defendants' counsel to cross examine.

That meets your objection, I think, Dr. Nelte.

DR. NELTE: The principle of this question appears there, in that official authorization should be given that the documents submitted represent the realintention of those who have made these statements. Statements are always merely a doubtful substitute for the examination of the witness himself.

The defense appreciates very well the difficulties which the Soviet Prosecution may have in bringing in witnesses. The defense realizes that and appreciates it, but in those cases in which the individuality of the witness and the importance of several questions is in the foreground, the personal questioning of the witnesses should be preferred. Wherever this is impossible, for reasons which we cannot judge, it would be desirable at any rate that these people who have made these statements should make their

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statements in the form of an affidavit.

The Soviet delegation should bring in a certificate that these statements are the original ones. That, however, would be no strengthening of the statement. We do not doubt for one moment that statements of this kind are at the disposal of the Soviet delegation. The defense is not so much interested in those formal statements but in the possibility of material proof.

If the Soviet prosecution could help us in this way, we should be extremely grateful.

THE PRESIDENT: You can go on, General.

GENERAL ZORYA: I think the testimony of Paulus can be of great help to us. I shall now read that part of Paulus' testimony which refers to the history of the preparation of Plan Barbarossa. I request you to read page 27, the portions which are underlined in red pencil, which I intend to read now.

THE PRESIDENT: Perhaps, General, since it is now 12:45, you had better to begin this document before the adjournment.

GENERAL ZORYA: Yes, sir.

(A recess was taken until 1400 hours.)

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 11 February 1946, 1400 to 1730 hours, Lord Justice Lawrence presiding.

MAJ. GENERAL ZORYA: Mr. President, following the statement made by the Russian Delegation, I will ask for permission to cross-examine the former Field Marshal of the German Army, Paulus, who will be cross-examined by the Chief Prosecutor of the U.S.S.R., General Rudenko.

THE PRESIDENT: Very well; the witness may be brought in.

(The witness took his place in the box)

BY THE PRESIDENT:

Q Will you please tell me your name?

A Paulus.

Q Will you repeat this oath after me? "I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing?"

(The witness repeated the oath)

Would you like to sit down?

BY GENERAL RUDENKO:

Q Your name is Friedrich Paulus?

A Yes.

Q You were born in 1890?

A 1890.

Q You were born in the village of Breitenau, in Kassel?

A Yes.

Q By nationality you are a German?

A Yes.

Q You are a former Field Marshal of the German Army?

A Yes.

Q Your last official position was Commander of the Sixth Army at Leningrad?

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A Yes.

Q Will you please tell us, Witness, whether you have given a statement to the Government of the Soviet Socialist Republics?

A Yes, I gave it to them.

Q You are confirming such statement?

A Yes, I confirm that.

Q Tell us, please, Witness, what you know regarding the preparation by the German High Command of the armed attack on the Soviet Union.

A From personal experience, I can state the following:

On the 3rd of September, 1940, I took office with the High Command in the General Staff. I was a General Quartermaster and as such I was deputy to the Chief of the General Staff, and in addition carried out the instructions of an operational nature which he delegated to me.

When I took office I found in my sphere of work, or influence, among other things, a still uncompleted operational plan which concerned itself with an attack on the Soviet Union. This operational work or scheme had been carried through by the then General Major, Marx, Chief of the General Staff of the 18th Army, who for this purpose temporarily had been taken over to the Chief of Staff of the Army. The Chief of the Army, Halder, gave the development of this plan into my hands and on the following basis:

There was to be a check of the possibilities of an attack against the Soviet Union, covering the territory, or terrain, the strength of the attack, the manpower to be needed, and so forth. For this purpose there was also mentioned that about 130 to 140 German divisions would be available for this operation. In addition, from the beginning we were to keep in mind taking Roumania into consideration as far as this operation was concerned. The north wing was to include Finland, but this was problematical and was not included in the general plan.

Then, in addition, as a basis for this work which was to be undertaken, the intention of the OKW -- the purpose of this operation was to be first the destruction of the Russian Army in the West, Russia, and to prevent them from getting into Russia Proper.

As Point 2, the reaching of the line from which the Russian air arm

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could not effectively attack Germany.

And the last point was the reaching of the line, the Wolga-Archangelsk.

The working out or preparation which I just outlined was completed at the beginning of November through two attacks with which I was concerned. The officers of the General Staff entrusted with this work, as a basis for the attacks, assumed that to the south one army was to be redeployed from the South of Poland and from Roumania, with the idea of reaching the Dnieper River. To the north of this area there was to be one army group and the strongest around Warsaw; and to the north, to reach Minsk, Smolensk and later to push through to Moscow.

Then there was to be a third army group, the Group North, to be taken from the area of East Prussia to push through the Baltic regions toward Leningrad.

And the conclusions which were taken from these plans was that the Dnieper was to be reached and Smolensk and Leningrad, and then the operation was to be carried on according to developments, and to plan accordingly.

In connection with this, for these undertakings, and for the evaluation of all victories, there were to be several conferences through the General Staff Chief of the Army, that of the Army Groups which had been planned for the East. And further, in connection with this conference, through the Chief of that time, Colonel Kinsel, there was a speech about Russia, describing the geographic and economic situation, about the Red Army, and so forth. And the significant poiht of this speech was that some preparations for an attack by Russia was not known. With these maneuvers and conferences as I have just described there were theoretical discussions and plans for this offensive and after the conclusion of these conferences, the scheme of the attack was considered concluded and ready.

At this time -- that is, on the 10th of December 1940, the Over-Commander gave our Directive No. 20, and this directive as issued was the basis for all military and economic preparations. And these directions or instructions were to be carried out in such a way that deployment of troops was made ready and developed. These first directives for the deployment of

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troops in February, 1941, were confirmed by Hitler and they concerned themselves with all these measures and were made known to the troops. Then several supplementary directives were issued.

For the beginning of the attack, the Over-Commander counted on the period of time which would make it possible to carry large movements of troops in Russia, and all preparations were concluded. Then at the end of March Hitler decided to make a change because of his desire to attack Yugoslavia. Then orders as of the 1st of April were set after that time --

THE PRESIDENT: I am afraid you are a little too fast.

THE WITNESS: Where shall I begin?

THE PRESIDENT: I think you better begin where you said that at the end Hitler made a change in the plan.

A (continuing): Because of his decision to attack Yugoslavia, the date for the beginning of the attack had to be changed by about five weeks. That meant postponement to the last half of June. And indeed, this attack actually took place on the 22nd of June, as planned.

Then in conclusion, I would like to state that the preparations for this attack on the Soviet Union which actually took place on the 22nd of June had been prepared.

Q In what way and under what circumstances --

THE PRESIDENT: One moment. Did the witness give the date? He said that preparations for this attack had been made, and what I want to know is, did he give the date from which it had been prepared?

BY THE PRESIDENT:

Q Did you give the date from which the preparations went forward?

A I am referring to the 3rd of September 1940, when I assumed office, and my observations refer back to that point.

BY GENERAL RUDENKO:

Q In what way and under what circumstances was the participation in the aggression on Soviet Russia ushered in by the participation of Roumania?

A From personal observation, I can say the following:

In about September 1940, at the time in which I was concerned with the operational workings or preparations for the attack on Russia, and from the beginning, the using of

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Roumania was envisaged for the marching in, that is the right or south wing of the German Army and that was taken into consideration right from the beginning. Then a military mission at that time headed by Cavalry Leader Hansen was sent to Roumania. Then a whole Panzer Division, the Thirteenth, was transferred to Roumania. For those who knew about the future plans it was obvious that this step could only serve to make ready the future partner in the war for the future plans and steps which we had to take now regarding Hungary.

In December, 1940, Colonel Laslow came to the High Command of the Army at Zossen, to the headquarters of the Chief of the Hungarian Operational Group. He asked for a conference regarding questions of organization.

The Hungarian Army at that time was concerned with the question of changing over its units into divisions and also with the setting up of motorized groups such as Panzer groups. The chief of the Organization and myself advised Colonel Laslow at the same time because several Hungarian commissions were in Berlin. The Hungarian Minister of War was also present at the same time, and we discussed the exchange of supplies or the sending of supplies -- German supplies -- to Hungary.

It was clear to all of us who were concerned with future plans that all these measures with regard to supplying arms to other armies was only possible at that time when these armies could be used for war, for Germany.

Regarding Hungary, there is a further point I should like to mention: With the development of events in Yugoslavia, Hitler at the end of March, 1941, decided to attack Yugoslavia. On the 27th or 28th of March I was called to the Reichschancellery in Berlin where at that time there was going on a conference between Hitler, Keitel and Jodl and on which the Chief of the Army had been active. This conference had just been concluded. When I arrived I was advised by the General Staff of the Army, General Halder, that Hitler had decided to attack Yugoslavia and for once to eliminat a flanking movement from the direction of Greece, because there was a rail line leading to the South, and to get this rail line, and then also for the

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future -- for the case "Barbarossa" t keep the right flank clear for this plan, for the carrying out of this plan.

I was charged with the mission and received the required number of officers to go to Vienna to give certain orders to the appropriate officers and then after that to travel on to Budapest to the Hungarian General Staff and to carry out the same mission there and to agree with them on the deployment of German troops in Austrian territory and the participating of Hungarian troops in the attack against Yugoslavia.

On the 30th of March, early in the morning, I arrived in Budapest and had a conference with General Wert, then with the Chief of the Operational Group of the Hungarian General Staff, Colonel Laslow. These conferences went along in good order and ended very quickly and the desired result was achieved. The result was then written down on a card, and on the card that I received from the General Staff of Hungary was contained the deployment against Yugoslavia, the deployment as Yugoslavia as envisaged, and also the manpower in the Carpathian sector was discussed. This was to protect the rear against the Soviet Union and the fact was a sign that even on the side of Hungary the realization was that an attack by Germany against Yugoslavia would be considered as an aggressive action by the Soviet Union.

As a matter of principle, principally, the taking in of Hungary into the preparation of these plans and later on into the carrying out of these plans as far as that is concerned at that time I received the attitude of Hitler and it was as follows:

Hitler thought that Hungary was anxious, through German help, to recapture the areas which she had lost in the First World War. And in addition, they were afraid that Roumania, which was an Ally of Germany and might push them into the background. As far as this attitude was concerned, Hitler thought Hungary in line with his ideas. But he was, as we could see from various examples, very cautious toward Hungary, and for two reasons: For one, he did not believe Hungary; and secondly, he did not want to make Hungary too many promises at too early a stage, and I can cite one example: The question of the oil regions. Later when the attack was begun that is the attack against Russia, the Seventeenth Army which was fighting at that point had the emphatic order

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at all costs to take this before the arrival of the Hungarians.

Regarding this future partner, according to my observation, the strategy of Hitler was such that as far as certain participation was concerned he counted on it and sent armaments and help but he was not certain when he went to make all his plans and did not set a certain time when to initiate Hungary into his plans.

Then we come to the Finnish question. In December, 1940, the first visit of the Finnish General Staff Chief took place at Zossen. General Heinrichs had a conference with the General Chief of the Army, but I can't remember the contents of the speech out of this conference. But he did make a speech about the Finno-Russian War of 1939-1940. He gave this speech before the officers of the General Staff of the Army and told his officers who were present at the time -- that is in connection with the discussion of the Eastern plans -- this speech before these officers had quite a significance at that time, because it coincided in time with the directive issued in December.

This speech was significant in that battle experiences with the Red Army were made clear and a judgment of the Finnish troops -- that is, for future plans by the Germans -- could be made known.

Then there was a second visit of this Finnish General Staff Chief. That was at Zossen at the headquarters, and it was perhaps in the second half of March, 1941. The Chief of Staff of Finland arrived from Salzburg where he had had conferences with the High Command of the Wehrmacht. The contents of these conferences with the Chief of Staff was the cooperation of the Southern Finnish Manpower with the Operation Barbarossa, and working together with the Army Group North which was to come from East Prussia towards Leningrad. At that time the agreement was reached that the Finnish troops were to be determined according to the pushing forward of the German Army Group North and the later command pushing forward toward Leningrad. That was to depend on later agreements according to the development of events.

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Those are the personal observations which I myself made in the beginning, and the drawing together of the analysis into a common action.

Q In what way was the attack on the USSR carried out by the German troops under the High Command?

A Will you please repeat the question. I did not quite get it.

Q How, and under what circumstances, was the armed attack on the USSR carried out, the attack which was prepared by the Hitlerite government and the High Command of the German Army?

A The attack on Russia took place as I described, after a plan which had been prepared much in advance and had been prepared very carefully. The troops involved in this attack had been assembled, and only on special instructions were they taken group by group into the line of future deployment and then, on this whole long front, from Rumania to Eastern Prussia, they were to be ready. Of course, Finland was excluded from this.

The troops were assembled along this front for a simultaneous attack, and the operational plan on a large scale, as I described in the beginning, was tried out mentally, so to speak. Then, the deployment and marching up of troops in detail, in groups, corps, divisions, was discussed in detail and was put in order in the smallest detail, much before the beginning of the war. Everything was ready.

A deceptive measure was directed and organized from Norway and the coast of France. The purpose of a landing in England in June 1941 was to be pretended, and attention was to be diverted from

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the East through this pretense. Not only the operational carrying out, but the tactical surprise was planned well in advance. For instance, the prohibition of the boundaries before the beginning of the war meant possible losses and the loss was to be a sacrifice for the element of surprise. On the other hand, the element of surprise across the boundary from the enemy was not expected.

All of these measures showed that a criminal attack was underfoot.

Q. In what way did you determine the aims which were pursued by Germany in attacking Soviet Russia?

A. The purpose of attacking the Volga Line, which was far beyond German strength, is characteristic of the boundless ambition of Hitler and of the nationalist regime. As far as strategy is concerned, the reaching of these aim would have been the destruction of the manpower of the Soviet Union, the fighting forces of the Soviet U ion. With the winning of this line there would have been conquered the chief areas of Soviet Russia, with the capital, Moscow, and the political and economic center, the focal point of the Soviet Union!

Economically, the reaching of this line would have been significant. It would have meant the possession of the most important nutritional areas, the most important natural resources, including the oil wells of the Caucasus and the main centers of production of Russia, and also the communications net of Russia, that is, European Russia.

Hitler was very strong on the winning of economic aims in this war. Just how strongly he felt on this point I can cite through a personal example that I describe. In June of 1943, the first of June, at a conference regarding the army group south in Poltawa, Hitler declared:

"If I do not get the oil of Maikob and Prosnia, then I must quit this war.

For the spoliation and the administration of the areas which were to be conquered, economic and administrative organs had been envisaged before the beginning of the war, and everything had been placed in readiness.

Then, in conclusion, as a comprehensive remark, I would like to state that the aims as mentioned meant the conquering, for the purpose of colonization, of Russian areas and territories, and through their use and spoliation, and through the means gained therefrom, the war in the West was to be concluded wit

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the setting up of German domination of Europe.

Q. And the last question: Whom do you consider as guilty of the initiation of the criminal war against Soviet Russia?

A. May I please have the question repeated?

GENERAL RUDENKO: May I repeat the question?

THE PRESIDENT: The Tribunal is about to address an observation to General Rudenko. The Tribunal thinks that a question such as you have just put, as to who was guilty for the aggression upon Soviet territory, is one of the main questions which the Tribunal has to decide, and therefore is not a question upon which the witness ought to give his opinion.

Is that what counsel for the defense wish to object to?

DR. LATERNSER(Counsel for the General Staff): Yes, Mr. President, that was to be the observation.

BY GENERAL RUDENKO:

Q. Then perhaps the Tribunal will permit me to put this question in another way.

Who of the defendants was an active participant in the initiation of war against the Soviet Union?

A. As far as the defendants are concerned, I would say the most important military advisors to Hitler. That would be Chief of Staff Keitel, Chief of the Operational Branch Jodl, and Goering, in his duty as Reichsmarshal, as Commander of the Air Forces, and as Plenipotentiary for Armament Measures.

Q. In conclusion, I will summarize what I concluded from your testimony, that long before the 22nd of June the Hitlerite Government and the High Command were planning an aggressive war against the Soviet Union for the purpose of colonizing the territory of the Soviet Union.

A. I have no douht of that according to the developments as I pictured them, and also in connection with all the directives as they were contained in the well-known Green file.

GENERAL RUDENKO: I have no more questions, Mr. President.

THE PRESIDENT: Does any member of the French Prosecution wish to ask any questions?

FRENCH PROSECUTION: No.

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THE PRESIDENT: The British?

BRITISH PROSECUTION: No.

THE PRESIDENT: The United States?

UNITED STATES PROSECUTION: No.

THE PRESIDENT: Any member of the defendants' counsel?

DR. LATERNSER: Mr. President, I beg, as the defender for the General Staff, that the Tribunal afford me the opportunity to put the questions which I would like to put tomorrow forenoon. The witness is quite a surprise for the defense counsel, as far as questions which have to be put, especially because of the importance of the testimony, and I would like to have the privelege of postponing my cross examination untill tomorrow mornings' sessio

THE PRESIDENT: General Rudenko, if the Prosecution has no objection, the Tribunal thinks that this application ought to be granted.

GENERAL RUDENKO: If the Tribunal so wishes, the Prosecution will not object.

THE PRESIDENT: Yes, very well. I don't know whether any other member of the defendants' counsel would prefer to cross examine now.

DR. NELTE: (Counsel for defendant Keitel): Mr. President, I assume that all of us defense counsel may conduct our cross examiniation in the morning.

THE PRESIDENT: Yes, certainly. I was only asking whether any other member of the defendants' counsel would prefer to cross examine now.

DR. NETLE: I personally would like to be able to put my questions after the recess.

THE PRESIDENT: Very well. Then, General Rudenko, the witness can retir and the case will go on. He will be recalled tomorrow morning, and in the meantime you will go on with your case.

General, you won't, I presume, think it necessary to read any more of Field Marshal Paulus' statement, will you?

GENERAL RUDENKO: No.

THE PRESIDENT: Very well, go on, then.

GENERAL ZORYA: Referring to the report concerning the beginning of the attack on the Soviet Union, I would like to remind the Tribunal that in the morning session of the Tribunal on November 30, 1945, the witness Lahousen w

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testifying and gave testimony which is interest to our case, identifying the persons who were participating in the counter-espionage service.

I present to the Tribunal as USSR-228 the testimony of the former chief of Section I of the German Military Intelligence and Counter-Intelligence Service Lieutenant-General Hans Pickenbrock, Lahousen's former colleague. The witness deposed this testimony on November 19, 1945, and the the present I would like to read only the following lines from Pickenbrock's testimony, which are on page 1 of the Russian text and on page 334 of the document book.

"I must say," said Pickenbrock, "that already since August and September 1940 the Foreign Army's Section of the General Staff began to increase considerably its intelligence assignments to the Abwehr (Counter-Intelligence) concerning the USSR. These assignments were unquestionably connected with the preparation of war against Russia.

"The more precies dates for Germany's attack on the Soveit Union I learne in January 1941 from Canaris. I do not know what sources Canaris used, but he told me that the attack on the Soviet Union was fixed for the 15th May."

The Soviet Prosecution also has at its disposal the testimony of the form er chief of Department III of the German Military Intelligence and Counter-Intelligence Service, Lieutenant General Franz von Bentivegni of the German Army, which was given by him on December 28, 1945. I present those documents under No. USSR.-230.

I shall at the moment also read only those parts of Bentivegni's testimon -- they are underlined in red pencil -- which have direct bearing on the question of the commencement of preparations for war against the Soviet Union. These two excerpts are on page 37 in the document book which was submitted to the Military Tribunal.

"I learned first of Germany's preparations for a military attack on the Soviet Union in August 1940, from the head of the German Intelligence and Counter-Intelligence Service, Admiral Canaris. In an unofficial conversation which took place in Canaris' office, he told me that Hitler had started to tak measures for an Eastern campaign, which he had spoken about as early as 1938 in his speech at a meeting of Gauleiters in Berlin.

"Canaris said to me that these plans of Hitler's had now begun

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to take concrete form. This was evident from the fact that divisions of the German army were being forwarded in large numbers from the West to the Eastern frontiers and, in accordance with a special order by Hitler, were taking up positions from which to start the coming invasion of Russia."

And finally, in order to finish with the question of the actual time at which Fascist Germany's military preparations for the treacherous attack on the Soviet Union took place, I should like to pause at the testimony of General Mueller of the former German Army. This testimony, dated January 8, 1946, I will present to the Tribunal as USSR 149.

Your Honors, all the material which I have quoted so far --

THE PRESIDENT (Interposing): General, on this document of General Mueller, does it appear where that document was made and where General Mueller is now?

GENERAL ZORYA: At the end of the first sheet of his testimony there is a date which was written in handwriting, January 8, 1946.

THE PRESIDENT: Where?

GENERAL ZORYA: If I might have a look at the photostatic copy which I just presented to the Tribunal, I would be able to tell where that took place.

THE PRESIDENT: Yes, but there are many prisoner of war camps. We want to know which one and where it is.

GENERAL ZORYA: In a camp located near Moscow.

THE PRESIDENT: Has this document got any authenticating signature on it at all? So far as we are concerned, isn't it simply a photostatic copy of a writing by somebody?

GENERAL ZORYA: Mr. President, this document, like all other documents which have been submitted so far by the Soviet delegation, and those which we intend to present furhter, is a certified photostatic copy.

Taking into consideration the desire of the Tribunal, the Soviet prosecution undertook to take steps to comply with it, and the originals of these documents will be certified and they will be presented to the Secretary General.

THE PRESIDENT: Can you tell us where the writer of the document is now?

GENERAL ZORYA: I hardly will be able to tell more than what I have already said. Perhaps, if the Tribunal will permit me, I can consult my colleagues and report to the Tribunal very shortly where General Mueller is at present.

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THE PRESIDENT: Well, we will adjourn now. That will enable you to consult your colleagues.

(A recess was taken.)

DR. NELTE (Counsel for Defendant Keitel): Mr. President, I regret that I also have to say about the document of the Prosecutor under USSR 149, which has been presented under that number--I have to make the same objection and the same request which I made this morning. As much as I know that the Tribunal in regard to this question has not yet made a decision --

THE PRESIDENT: I beg your pardon, Dr. Nelte. The Tribunal has already made a decision.

I think it would be better if, when Defendants' Counsel go to the place from which they wish to speak, they would arrange these earphones before they speak.

I say the Tribunal has already made a decision which governs this case. They pointed out the other day to Counsel for the Soviet Union that documents which were not identified as authentic documents must be identified as authentic, and the Soviet Prosecutor at that time undertook to certify that all documents which he made use of were certified as authentic documents. If they are not so certified, they will be struck out of the record. That ruling applies to this document.

This document is a document which appears to be a document, a letter or report, to the Government of the Soviet Union, but it doesn't contain on its face any certification showing that it is an authentic document. The Counsel for the Soviet Union said before we adjourned that he undertook, as he had already undertaken--that he undertook to produce a certificate that the document was an authentic document; that is to say, that it was prepared, written, by the person who purported to write it, and in those circumstances, the Tribunal accepts the document provisionally.

If no such certificate is forthcoming, then the document will be stricken from the record.

DR. NELTE: If I understand you correctly, Mr. President, then, with regard to this letter that is sent to the Government of the USSR, or a statement, this will be a document or a proof for the content of the statement.

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THE PRESIDENT: Certainly. I have already said provided that it is certified as an authentic document. I have said that more than once.

DR. NELTE: In this way, each letter which would be sent to the Prosecution or the Government of the Soviet Union or any other Prosecution, any letter, by certification that it had been written in fact by the writer, that would make it documentary proof which would make it impossible for the Defense to call for the witness for cross examination of the witness.

THE PRESIDENT: That depends where the witness is. We are dealing with witnesses who are scattered all over the globe, and, as we are informed, it is not practical in the Soviet Union for affidavits to be made in such cases, and, therefore, the Tribunal considers that such a document as this falls within Article 19, provided it is an authentic document.

We are affording to the Defendants the greatest assistance in bringing witnesses to this Court, but we can not undertake to bring witnesses from all over the world, upon questions which are very often of very little importance.

DR. NELTE: I understand quite the difficulties, and I am grateful to the Tribunal for intending to help us. I only ask in each of these cases to ascertain where the person is who has made that statement, where his residence is, so that the Defense could at least make the attempt to reach him.

THE PRESIDENT: Yes. If the witness is in, or in the immediate vicinity of, Nurnberg, the Tribunal would think that it was only fair if such a document as this were to be put in evidence, that he should be produced for examination, or cross-examination by the Defendants' Counsel, but we do not understand that the man who wrote this letter is in the vicinity of Nurnberg. We have no reason to think he is, and I am reminding that the Defendants' Counsel can always apply, if they think right, to issue interrogatories which would be put to any such person as this who has written such a document as this.

DR. NELTE: Thank you.

GENERAL ZORYA: I have made inquiries during the adjournment about General Mueller. General Mueller is in a prisoner of war camp, Numver 27, in Krosnergov.

Can I continue my statement?

THE PRESIDENT: Where did you say he was?

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GENERAL ZORYA: Krosnegov. It is in the neighborhood of Moscow. Can I continue now?

THE PRESIDENT: Certainly.

GENERAL ZORYA: The materials which up to now I have produced were produced from the high-ranking command of the German Army. General Mueller belongs, if one can express it thus, to the central link of the body of German generals. He was the Chief of Staff of the Army and commanded an Army Corps. His testimony reflects a series of events which can be acknowledged as deserving attention. I shall read the first pages of this testimony. The preparation for the attack on the Soviet Union is described by him. I shall draw your attention to Page 40 in the document book. On the first page you will see about General Mueller. The third paragraph is marked in red pencil, and now I shall read it:

"The preparation for the attack on the Soviet Union began as early as July 1940. At that time I was chief of staff of "C" Army Group at Dijon in France. General Field Marshal von Leeb was in command. This army group consisted of the 1st, 2nd and 7th armies, which were occupation armies in France. Besides this, army group "A" (Rundstedt), whose task was to prepare operation 'Sealion' (the invasion of England) and army group 'B' was transferred to the East (Poznan). The staff of army group 'B' was given the following forces, transferred from France (part of the armies of occupation): The 12th, 4th and 18th Armies, plus some other corps and about 30 divisions. Of this number, some of the divisions were taken from army group 'B'.

"Directly after the campaign in the West, the OKH gave the order for the demobilization of 20 divisions. This order was cancelled, and the 20 divisions were not demobilized. Instead of this, after their return to Germany, they were sent on leave, and thus kept ready for

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quick mobilization.

"Both measures, the transfer of about 500,000 men to the Russian frontier and the cancellation of the order disbanding about 300,000 men, show that already in July 1940 plans existed for war operations in the east.

"The next order which gives evidence of Germany's preparations for attacking the Soviet Union, was the written OKH order issued in September 1940 regarding the formation in Leipzig of a new army (the 11th), several army corps and about 40 infantry divisions. The forming of these units was carried out from September 1940 onwards by the Commander of the reserve army (Colonel General Fromm), partly in France, but mainly in Germany. Towards the end of September 1940 the OKH called me to Fontainebleau. The Quartermaster General of the 1st General Staff of the Land Forces, Lieutenant General (afterwards Field Marshal) Paulus, informed me, at first orally, of the order that my staff (the staff of Army Group C.) was to be transferred to Dresden by November 1, and the staff of the 2nd Army (Colonel General Weichs), which formed part of this Army Group, to Munich (also by November 1."

I am skipping several lines, and pass to the second page of the document, the 41st of the papers in front of you.

"In accordance with this order, confirmed later on by a written order, signed by the Chief of General Staff Halder, the transfer of these units was carried out on time."

Therefore, for the preparation of the attack on the Soviet Union was taken forceful steps by the German Government.

I shall remind the Tribunal of the statement by Field Marshal Paulus that on this meeting, in August 1940, the preparations of the attack on Russia, called Barbarossa, went as far as possible.

THE PRESIDENT: General, I don't think it is necessary to read the statement of Field Marshal Paulus, as he has already given the evidence in the witness box.

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GENERAL ZORYA: I am not reading it. I am just referring to one section which will help, with the testimony of General Mueller, to show the system that was commanded by the General Staff and which has occupied the whole army. It is to carry out this plan, preparatory to an attack on the Soviet Union. These plans were carried out in all the army groups, and General Mueller states it, and I am now referring to it. The excerpts which I am reading are underlined in blue pencil, page 2 and 3 of the Russian text. The document is the 41st page of the pile of documents.

General Mueller informs, as in the future the army was to attack the Soviet Union, the first plan was to train soldiers and officers.

"Towards the end of January 1941 I received telegraphic orders from the Chief of the General Staff Halder to attend the military exercises at St. Germain (near Paris) of Rundstedt's army group. The object of this plan was the attack and advance from Rumania and South Poland in the direction of Kiev. The plan had in mind the intention also of the participation of Rumanian troops. In the main these military exercises anticipated the conditions of the future order concerning the strategic deployment of forces, to which I will refer later. The director of the military exercises was the Chief of Staff of the Rundstedt army group. There were present: Rundstedt, Halder, the Chiefs of Staff; of the 6th Army, Colonel Heim; of the 11the Army, Colonel Weler, and of Kleist's tank group, Colonel Zwickler and several Generals of the armoured forces. The military exercises were held at the place occupied by Rundstedt's army group, approximately between the 31st January and 2nd February, 1941. The exercise demonstrated the necessity for a strong concentration of tank forces."

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The documents I have presented up to now characterize the measures undertaken by the military command of the German Armed Forces for the preparation of the strategic deployment of the German armies for the attack on the Soviet Union.

As for the time, these measures took up a considerable part of 1940 and began at least six months before directive number 21, re Plan Barbarossa, had appeared. I shall now pass on to the second group of documents which are presented by the Soviet Prosecution, which are characterizing the intelligence activities undertaken by the Fascist conspirators in preparation for war against the Soviet Union. I have in mind the measures of field intelligence according to the Plan Barbarossa of directives by the High Command of the German Armed Forces addressed to counter-intelligence on the 6 September, 1940, and signed by the Defendant Jodl.

This document was presented by the American Prosecution under number 1229-PS. In our five documents it is offered under pages 46 and 47.

It was demanded of the intelligence organs that the regrouping of the armies on Germany's eastern frontier should be concealed in every way and that the Soviet Union should be given the impression that some action was being prepared in the Balkans.

The activities of the intelligence organs were strictly regulated. These activities consisted of taking measures to conceal, as far as possible, the numbers of the German forces in the east, so as to give impression of an inconsiderable concentration of forces in the northern part of the eastern provinces and, on the contrary, of an extremely large concentration in their southern part, in the Protectorate, and in Austria.

The necessity was pointed out of creating an exaggerated impression of the number of anti-aircraft units and of the inconsiderable scope of road-building activities, etc.

At this point it is necessary to make two pertinent observations.

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According to Pickenbrock's testimony, the intensification of the work of intelligence organs against the Soviet Union began before the appearance of this directive in August 1940, and this work of course was not limited to spreading of false information on the regrouping of forces from the west to the east, which was going on.

I beg you to return to the testimony of the former chief of Department III of the Intelligence and Counter Intelligence Service of the German Army, von Bentivegni, which I have presented.

On pages 1, 2 and 3 of the Russian text of Bentivegni's deposition, it states as follows (underlined in blue pencil): this is beginning at the last paragraph on the first page of the documents, which corresponds to page 37, in the five documents.

"As early as November 1940 I received from Canaris orders to intensify the work of counter-intelligence in the localities where concentration of the German armies on the Soviet German frontier was taking place."

On the second page, page 38, the first paragraph:

"In accordance with this order, I immediately gave the organs of the German military intelligence and counter-intelligence, 'Abwehrstelle,' 'Koenigsberg,' 'Cracow,' 'Breslau,' 'Vienna,' 'Danzig,' and 'Poznan," the task of intensifying the counter-intelligence work."

And lastly, on page 30, which corresponds to the 39th page in the five documents, I read:

"In March 1941 I received from Canaris the following directives for the preparations for the execution of the Plan Barbarossa.

"a) Preparation of all links of 'Abwehr III' (Counter Intelligence, Department III) for carrying out active counter-intelligence work against the Soviet Union, as for instance the creation of the necessary counter-intelligence groups, their distribution among various fighting units intended for taking part in the operations on the eastern front, and paralysing the activity

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of the Soviet intelligence and counter-intelligence organs.

"b) Spreading false information via their foreign intelligence agencies, partly by creating the semblance of an improvement in relations with the Soviet Union and of preparations for a blow against Great Britain.

"c) Counter intelligence measures to keep secret the preparations being made for war with the Soviet Union and to ensure that the transfer of troops to the east be kept secret."

In the record I have presented of the interrogation of Pickenbrock, the former chief of Department I of the Intelligence and Counter Intelligence Service of the German Army, is to be found the following excerpt, referring to the activity of these organs in connection with the preparation and execution of Plan Barbarossa: I request you to open page 35 of the book of documents and to read the second and third paragraphs. Pickenbrock states:

"In March 1941 I was present at a conversation between Canaris and the head of the Diversion and Sabotage Department, 'Abwehr II,' Colonel Lahousen, about measures connected with Plan Barbarossa. During this conversation they kept referring to a written order on this subject, which Lahousen had.

"I, personally, as head of 'Abwehr I,' beginning in February 1941 and up to the 22nd of June, 1941, more than once had official talks with the head of the foreign armies department of the General Staff, Lieutenant General Tiepelskirch, and with the head of the East Department, Colonel Kinzel. These conversations dealt with the more precise definition of various tasks assigned to 'Abwehr,' with regard to the Soviet Union, and in particular with the verification of old intelligence data about the Red Army, and also details about the dislocation of the Soviet armies during the period of preparation of the attack on the Soviet Union. I now skip one paragraph and read further.

The field offices of the "Abwehrstelle," which were working against Russia, were given the task of intensifying the dispatch of agents to the USSR. A similar task - the intensification of espionage work against Russia - was given to all intelligence organs existing in the armies and army groups. For the more successful direction of all these "Abwehr" organs, a special intelligence staff was created in May 1941 under the code name of "Wally I."

Major Baun, as the best specialist on work against Russia, was appointed to direct operation "Wally I." Later, when following our example, "Abwehr 2" and "Abwehr 3" had also established staffs "Wally 2" and "Wally 3", this organ became known as a whole staff "Wally", and directed the entire intelligence, counter-intelligence, and diversionary work against the USSR. At the head of staff "Wally" was Colonel Schmalschlaeger.

I now pass on to the last paragraph of Lahousen's statement; that is page 36 in the book of documents. From numerous reports given by Colonel Lahousen and Canaris, at which I was also present, I know that a great amount of preparatory work for the war with the Soviet Union carried out by this department. In the period of February to May 1941 many conferences of the leaders of "Abwehr 2" took place at the quarters of Jodl's deputy, General Warlimont. They were held in a cavalry school, in the small town of Krampnitz. One particular question settled at these conferences, in accordance with the needs of the war with Russia, was that of increasing the special task units "Brandenburg 800, and of distributing contingents of these units amongst the individual army groups."

That was in Pickenbrock's testimony which just was read, and are his references to a special task with which Lahousen's department was entrusted, and to special task units known under the Code name of "Brandenburg 800."

These points are clarified by the testimony of a former colonel of the German Army, Erwin Stoltze, who was Lahousen's deputy in the second department of the German Military Intelligence and Counter-Intelligence Service at the Supreme Command of the German Armed Forces.

At this stage of my presentment by the Red Army, I wish to mention to the Tribunal Stoltze's testimony of the 25th of December, 1945, which

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was given to Col. Vorasniko of the Red Army, and is No. USSR 231, and beg that it may be accepted as evidence. I will read extracts from this evidence which are underlined with red pencil. I commence the quotation on page 48 of the book of documents, which starts with the evidence as follows: "I received instructions from Lahousen to organize and to lead a special group under Code name 'A', which had to engage in the preparation of diversionary acts, and in the work of disintegration of the Soviet rear in connection with the intended attack on USSR".

At the same time, in order that I should become acquainted with it and for my guidance, Lahousen gave me an order which came from the Operational Staff of the Armed Forces and was signed by Field Marshall Keitel and General Jodl - or General Warlimont on Keitel's instructions, I do not quite remember, and which contained basic directives for the conduct of subversive activities in the territory of the USSR after Germany's attack on the Soviet Union. The order in qestion was for the first time marked with the code name "Barbarossa."

I am leaving the two lines, and I am reading further. It was pointed out in the order that for the purpose of delivering a lightening blow against the Soviet Union, "Abwehr 2", in conducting subversive work against Russia, must use its agents for kindling national antagonism among the peoples of the Soviet Union.

I now request you to turn to page 49 in the book of documents, which is on the second page of the propaganda or questionnaire, and the Tribunal will note the following places in the document. "In carrying out the above-mentioned instructions of Keitel and Jodl, I contacted Ukrainian Nationalists, who were in the German Intelligence Service, and other members of the Nationalist Fascist groups, whom I roped in to carry out the tasks as set out above.

"In particular, instructions were given by me personally to the leaders of the Ukrainian Nationalists, the German Agents Myelnik (code name 'Consul I') and Bandara to organize, immediately upon Germany's attack on the Soviet Union, and to provoke demonstrations in the Ukraine in order to disrupt the immediate rear of the Soviet armies, and also to convince international public opinion of alleged disintegration of the Soviet

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rear. We also prepared special diversionist groups for subversive activities in the Baltic Soviet Republics."

I again request you to turn the page, and on page 50 in the book of documents, beginning with the testimony of Stoltze, and reading:

"Apart from this, a special military unit was trained for subversive activities on Soviet territory, a special duty training regiment 'Brandenburg 800' under the immediate command of the head of 'Abwehr 2', Lahousen. Among the objects of this special unit, created in 1940, was the seizure of operationally important points, such as bridges, tunnels, and defense installations, and hold them till the arrival of the advance units of the German Army."

In addition, contrary to the international rules for the conduct of war, the personnel of the regiments, formed mainly of Germans from beyond the frontiers, made wide use of the adversary's army uniforms, equipment and arms, in order to camouflage their operations.

"During the course of preparations for Germany's attack on the USSR, the command of the 'brandenburg 800' regiment also collected supplies of Red Army uniforms, equipment and arms, and organized separate detachments of Germans acquainted with the Russian language."

Members of the Tribunal, the documents which were presented by me of evidence of Stoltze, Bentivegni and Pickenbrock disclosed the working methods of the German Intelligence Service in the preparation and execution of "Plan Barbarossa". I shall no longer occupy the attention of the Tribunal on these questions. But, before I continue further my presentation, I should like to point out that the intelligence work in Germany was also the subject of activities of the defendant Kaltenbrunner's department. I shall limit myself to submitting one document which is characteristic of how the Hitlerites, by using their connections, created difficulties in Iran, through which, as is known, the routes passed for the delivery to the USSR of motor vehicles and of the most varied war materials.

The document, which I intend to submit to the honorable Tribunal as USSR No. 178, was taken by us from the German Foreign Office Archives, which were captured by the advancing units of the Red Army. This is defendant Kaltenbrunner's letter to the defendant Ribbentrop. The letter

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is typed on the letterhead of the Chief of the Security Police and SD. In the document book which is in front of you this document is on page 42. I quote extracts from this letter, which are underlined:

"28 July 1943

Secret.

To the Foreign Minister Herr von Ribbentrop

Berlin.

Elections to the Iranian Parliament.

Highly respected Herr Minister,

"We have made direct contact with Iran and have received information on the possibilities of German influence on the course of the Iranian Parliamentary elections."

And a few lines further is stated:

"In order to have a decisive influence on the elections, bribes are necessary.

"For Teheran - 400,000 Tumans and for the rest of Iran at least 600,000 Tumans are necessary.

"It should be noted that nationally oriented Iranian circles expect Germany's intervention.

"I beg you to inform me whether it is possible to get one million Tumans from the Foreign Office. This money can be sent with the people whom we are sending there by aeroplane.

Heil Hitler.

Yours devotedly, Kaltenbrunner - SS Obergruppenfuehrer."

This document will help you to form an idea of the range of questions which interested the Reich Foreign Minister.

Such a peculiar activity of the Foreign Office was not a chance episode.

In the course of time, the touching cooperation of the Foreign Office and of the Reich Fuehrer SS strengthened and developed more and more. As a result, a very curious document appeared, which can be entitled an agreement between Himmler and Ribbentrop on the organization of intelligence work. I submit this document as USSR No. 120, and request the Tribunal to accept it as documentary evidence.

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The text of this document ison the pages numbered 53 and 55 in the book of documents which are in front of you. The text of this agreement will be read by me. I read the marked parts:

"By the order dated the 12th of February, 1944, the Fuehrer has entrusted the Reich Fuehrer SS with the creation of a unified German Secret Intelligence Service. The Secret Intelligence Service has as its purpose, so far as foreign countries are concerned, to get information in the political, military, economic and technical spheres for the Reich. In addition, the Fuehrer has established that the direction of the Intelligence Service, in so far as foreign countries are concerned, must be conducted in agreement with the Foreign Minister. In this connection, the following agreement between the Reich Foreign Minister and the Reichsfuehrer SS was arrived at:

"1. The Secret Intelligence Service of the Reichsfuehrer SS represents an important instrument for obtaining information in the sphere of foreign politics, and this instrument is placed at the disposal of the Foreign Minister. The first condition for this is close, comradely and loyal cooperation between the Foreign Office and the headquarters of the Reich Security Service. The collection of information on foreign politics by the Diplomatic Service is not affected by this.

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"2. The Foreign Office places at the disposal of the Headquarters of the Reich Security Services the information on the situation in the field of foreign politics necessary for the conduct of the Intelligence Service and the directive regarding German foreign policy. It hands over to the Headquarters of the Reich Security Service its intelligence and other tasks in the sphere of foreign policy, which are to be performed by the organs of the Secret Intelligence Service.

"3. Intelligence material in the field of foreign politics, obtained by the Secret Intelligence Service, is placed--"

THE PRESIDENT: Will you give a sufficient summary of this document with which you are dealing. To say that it is a document signed by Himmler and Ribbentrop and it shows that there was a unification of the German Secret Intelligence Service and the details of that unification are not really a matter which very much concerns this Tribunal, and, therefore, as we are directed by the Charter to be as expeditious as possible, it is not necessary to read all the details of this unification.

MAJOR GENERAL ZORYA: I shall summarize this document, but I must say that this agreement, signed by Himmler and Ribbentrop, created such a situation at the time that it was difficult to distinguish the conditions of Fascist Germany, where it begun, the activity of Ribbentrop and Kaltenbrunner. If the Tribunal will allow, I shall carry on with the presentation of the next document. This document I read just now, I mean the counter espionnage abroad that I mentioned, that under the name of German diplomatic representatives in countries which were in ordinary diplomatic relations with Germany, the Gestapo actually worked in these countries.

In this summary, if agreeable to the Tribunal, I will go on with the next paragraph, No. 3.

III Germany's Satellites.

When the plan "Barbarossa" was read at Court, in my opinion, only one part of the whole plan received comparatively little attention.

I have in mind part 2 of the "Barbarossa" version (No. 446-PS) bearing the name of "Presumed allies and their tasks".

It is on the questions dealt with in this part that I would like to detain the Tribunal's attention.

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In the first place, allow me to remind you of the contents of this part: Document No. 446-PS, page 14 of the Document book. The document is already presented to the Tribunal. I am reading now the second count:

"1. On the flanks of our operation, we can count upon the active participation of Rumania and Finland in the war against Soviet Russia.

"The Supreme Command of the German Army will, at the appropriate time, settle and lay down in what way the armed forces of the two countries will be subordinated to the German command on their entry into the war.

"2. Rumania's task will be to tie up, incooperation with the group of the armed forces advancing there, the enemy forces facing her, and, for the rest, to maintain the auxiliary services in the rear area.

"3. Finland will have to cover the advance of the German Northern landing group (units of the XXI groups) due to arrive from Norway, and then operate together with it. In addition, it will be up to Finland to liquidate the Russian Forces in Hango.

"4. It is possible to count upon the Swedish Railways and Coals being available for the movements of the German Northern group not later than the beginning of the operation."

In the speech of the chief prosecutor from the USSR - General Rudenko - attention was drawn to the sentence which begins this section:

"On the flanks of our operation, we can count upon the active participation of Rumania & Finland in the war against Soviet Russia."

This enabled the chief prosecutor of USSR to point out, in his speech, the fact that on the 18 December 1941 (the date of the "Barbarossa" document) Rumania and Finland were already following in the wake of the Hitlerite conspirators' predatory policies.

There is yet another document which was submitted by the American prosecution and which mentions Germany's presumed allies in her aggression against the USSR.

This is the document bearing the number C-39 and entitled "Provisional Plan Barbarossa". It is, as defendant Keitel pointed out in his covering letter, a calendar plan of the preparations for Plan Barbarossa after the 1st June 1941. This plan was confirmed by Hitler.

The text of this page is in page 57 of your document.

In part 2 of this document entitled "Negotiations with Friendly Powers", we read:

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"a) A request has been sent to Bulgaria not to reduce to any large extent the units stationed for security reasons, on the Turkish frontier.

"b) The Rumanians have begun, at the instigation of the Commander-in-Chief of the German troops in Rumania, a partial, camouflaged mobilisation in order to be able to close their frontiers against a presumed attack by the Russians.

"c) Hungarian territory will be used for the advance of the Southern Army Group only in so far as it would be expedient for introducing German units to link up the Hungarian and Rumanian forces. Until the middle of June, however, no representations on this subject will be made to Hungary.

"d) Two German divisions have entered the Eastern part of Slovakia, the next ones will be landed in the area of Prossy.

"e) Preliminary negotiations with the Finnish General staff take place as from the 25th May."

To introduce the following documents, with your permission, I shall refer to the fact that this has shown us the preliminary preparation of aggression on the Roumanian front, having indicated that the measures for organizing the Roumanian army, according to the plan of the German Army, were kept in 1940 with Roumania when the special mission was directed to Roumania. The Fascist leaders, their written agreement was not formulated. It was not always convenient for them.

I now present under USSR 233, a conversation of Antonescu with the Defendant Ribbentrop, which took place on 12 February 1942. This document was taken from some personal archives of Marshal Antonescu, which was taken by the advancing Red army. This document is placed under page 59, and 62 in your book of documents.

In connection with Ribbentrop's speech in Budapest on Transylvania, Antonescu makes the following entry: The last paragraph of page 2 of the Russian text of the document. Page 60 in the book of documents.

"Without hesitation, I stressed the point that, as early as the beginning of September, when I took over the government of the country, supported only by Monsieur Michael Antonescu, I declared, without asking the opinion of my people, that we must follow a policy of adherence to the Axis powers; I said that this was the only example in the history of nations when two persons dare to make an open declaration and to call upon their people to

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follow a policy which no doubt could appear only infamous".

While making this cynical entry, Ion Antonescu could hardly have expected it to receive wide publicity.

Mr. President, I intend to read two long documents which will take considerable time.

THE PRESIDENT: We will adjourn now.

(The Tribunal adjourned until 12 February, 1946, at 1000 hours).